

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division

In re Toys “R” Us, Inc., et al.<sup>1</sup>  
Debtors.

Case No. 17-34665-KLP  
Chapter 11  
Jointly Administered

TRU Creditor Litigation Trust,  
Plaintiff,

v.

Adv. Pro. No. 20-03038-KLP

David A. Brandon, Paul E. Raether,  
Nathaniel H. Taylor, Joseph Macnow,  
Wendy A. Silverstein, Richard Goodman,  
Michael Short, Richard Barry, David A. Brandon,  
Joshua Bekenstein, and Matthew S. Levin,  
Defendants.

**ORDER**

In accordance with the Memorandum Opinion entered this date,

**IT IS ORDERED** that the Defendants’ motion for summary judgment as to the Fourth Cause of Action of the Second Amended Complaint, Fiduciary Duty Claim Relating to DIP Financing, is **GRANTED**, and it is further

**ORDERED** that the Defendants’ motion for summary judgment is **DENIED** in all other respects, and it is further

**ORDERED** that the motion to dismiss filed May 21, 2020, is **DISMISSED** as moot.

Signed: June 27, 2022

/s/ Keith L. Phillips  
United States Bankruptcy Judge

Copies:

Entered on Docket: Jun 27 2022

Robert I. Bodian  
Scott A. Rader  
Amanda B. Asaro

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<sup>1</sup> The Debtors in these cases, along with the last four digits of each Debtor’s tax identification number, are set forth in the Order (I) Directing Joint Administration of Chapter 11 Cases and (II) Granting Related Relief. ECF 78. All references to “ECF” are to docket entries in the lead case unless otherwise noted. References to the docket in this adversary proceeding are prefaced by “AP ECF.”

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